

ECF CASE
JUDGE STEIN

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the **May 5, 2007**
DeLaHoya/Mayweather Program,
Plaintiff,

ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No. 07-CV-8856-SHS-KNF
HON. SIDNEY H. STEIN

-against-

ERIMELDA ALMONTE, Individually, and as officer, director, shareholder and/or principal of MARACAS STEAKHOUSE, INC. d/b/a MARACAS STEAKHOUSE a/k/a MARACAS RESTAURANT.

and

MARACAS STEAKHOUSE, INC. d/b/a MARACAS
STEAKHOUSE a/k/a MARACAS RESTAURANT

Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$200.00
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$992.75
See below

Total Litigation Expenses(\$1,542.75)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>	
06/18/2007	Factual research and development	.50	\$100.00	Atty	
06/20/2007	Claim Letter issued	.25	\$18.75	Para	
06/28/2007	TC from Defendant's Atty	.12	\$25.00	Atty	
07/02/2007	Demand Letter Issued	.25	\$18.75	Para	
07/10/2007	TC from Defendant's Atty	.13	\$25.00	Atty	
07/20/2007	TC to Defendant's Atty	.12	\$25.00	Atty	
09/25/2007	TC from Defendant's Atty	.13	\$25.00	Atty	
10/10/2007	Complaint drafted, Corporate disclosure	.50	\$300.00	Atty	
10/10/2007	Complaint sent to Court for Filing	.25	\$18.75	Para	
11/01/2007	Arranged Service	.25	\$18.75	Para	
12/04/2007	TC to Defendant's Atty	.12	\$25.00	Atty	
12/12/2007	Motion to Continue	.25	\$50.00	Atty	
12/12/2007	Filed and Mailed Mtn	.25	\$18.75	Para	
12/13/2007	Review Memo endorsement	.13	\$25.00	Atty	
12/14/2007	Review Service	.12	\$25.00	Atty	

12/14/2007	Filed and mailed Proofs of Service	.25	\$18.75	Para
12/24/2007	Drafting Request for Default	.50	\$100.00	Atty
12/24/2007	Filed and mailed Request For Default	.50	\$37.50	Para
12/28/2007	Review Clerk's Certificate	.13	\$25.00	Atty
12/31/2007	Mtn to Continue	.25	\$50.00	Atty
12/31/2007	Filed and mailed Mtn	.25	\$18.75	Para
01/03/2008	Review Order	.12	\$25.00	Atty
01/07/2008	Sent Ltr with Order to Defendants	.25	\$18.75	Para
02/06/2008	Drafted Motion for Default	1.0	\$200.00	Atty
		Hours	Fee	
		4.12 Atty	\$824	
		2.25 Para	\$168.75	
Total			\$992.75	

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control, State Liquor Authority. The results show that Erimelda Almonte is Principal of Maracas Steakhouse, Inc.. The Public Query Results page is attached hereto as Exhibit "B".

6. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, ERIMELDA ALMONTE, Individually, and as officers, directors, shareholders and/or principals of MARACAS STEAKHOUSE, INC. d/b/a MARACAS STEAKHOUSE a/k/a MARACAS RESTAURANT

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN

THOUSAND DOLLARS (\$10,000.00)

- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SEVEN HUNDRED SEVENTY ONE DOLLARS AND THIRTY SEVEN CENTS (\$771.37)

Against, MARACAS STEAKHOUSE, INC. d/b/a MARACAS STEAKHOUSE a/k/a MARACAS RESTAURANT

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SEVEN HUNDRED SEVENTY ONE DOLLARS AND THIRTY SEVEN CENTS (\$771.37)

Dated: February 6, 2008
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 6th
day of February 2008

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

Exhibit A

Date	Invoice #
11/26/2007	1165

Lonstein Law Office, PC
Wayne D Lonstein
1 Terrace Hill
P.O. Box 351
Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. ERIMELDA ALMONTE YOUR FILE #07-4-S02V CV #07-8856	100.00
Total	\$100.00

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. MARACAS STEAKHOUSE, INC YOUR FILE #07-4-S02V CV#07-8856	100.00
Total	\$100.00

Exhibit B



Eliot Spitzer
Governor



Daniel B. Boyle
Chairman

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Public Query - Results

License Information

Serial Number: 1190294

License Type: ON-PREMISES LIQUOR

License Status: Pending

Credit Group: 4

Filing Date: 03/19/2007

Effective Date:

Expiration Date:

Premises Information

Principal's Name: MASQUEZ, CLARISSA M.
ALMONTE, ERIMELDA

Premises Name: MARACAS STEAKHOUSE, INC.

Trade Name:

Zone: 1

Address: 143 SHERMAN AVENUE
ACADEMY ST. & 204TH ST.
NEW YORK, NY 10034

County: NEW YORK

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